



City of Seattle

Gregory J. Nickels, Mayor
Department of Planning and Development
D. M. Sugimura, Director

**CITY OF SEATTLE
ANALYSIS AND DECISION OF THE DIRECTOR OF
THE DEPARTMENT OF PLANNING AND DEVELOPMENT**

Application Number: 2305870 and 2306324
Application Name: Seattle Department of Parks and Recreation
Address of Proposal: 723 N. 35th St. and 731 N. 35th St.

SUMMARY OF PROPOSED ACTION

Master Use Permit to establish use as a public park (“Fremont Park”) and for construction of a series of three foot tall retaining walls to create an accessible pedestrian walkway with outdoor seating and landscaping on a site with an environmentally critical area. The project includes 1200 cubic yards of grading on the 723 N. 35th St. site and 200 cubic yards on the 731 N. 35th St. site.

The following approval is required:

SEPA – for conditioning only - SMC Section 25.05

SEPA DETERMINATION: ☐ Exempt ☐ DNS ☐ MDNS ☐ EIS

☒ DNS with conditions*

☐ DNS involving non-exempt grading or demolition or
involving another agency with jurisdiction.

*The Seattle Department of Parks and Recreation (“Parks”) issued a Determination of Non-Significance on July 1, 2003.

BACKGROUND DATA

Site and Vicinity Description

The proposal site, zoned NC3-40, is an undeveloped, hillside parcel on the eastern edge of the Fremont business district, between the historically landmarked public library building and a mixed-use building contiguous with the Fremont commercial core. To the south of the site there is a public alley and, across it, at a level elevation more commercial buildings. Across N. 35th St. to the north is a mix of multi-family residential and office buildings. Further to the north and to the northeast are residentially zones areas of Fremont.

An area in the northwest area of the park site is mapped by the Department of Planning and Development (“DPD”) as a steep slope environmentally critical area. DPD has granted this area a limited steep slope exemption after a determination the slope in question was artificially steepened and is not a part of a larger slope system.

Proposal

The proposal would create an urban pocket park within the Fremont urban village incorporating a 7,200 sq. ft. parcel owned by the Parks Department and the western 25 feet (2,800 sq. ft.) of the adjacent Fremont Public Library. The proposed improvements will provide extensive landscaping, public spaces, an ADA accessible path to the lower meeting room of the Public Library and a stairway connection to the alley along the southern property line.

Public Comment

Design of the proposed park included a series of public meetings in 2002. The DPD comment period ran from October 23, 2003 to November 5, 2003. No comments were received.

ANALYSIS – SEPA

Disclosure of the potential impacts from this project was made in a January 31, 2003 SEPA Checklist. The Seattle Department of Parks and Recreation issued a Determination of Non-significance on March 17, 2003. This information in the environmental documents, supplemental information provided by the applicant (plans, further project descriptions), and the experience of DPD with review of similar projects form the basis for this analysis and conditioning decision wherein substantive SEPA conditioning will be considered and imposed as warranted.

The SEPA Overview Policy (SMC 25.05.665) establishes the relationship between codes, policies, and environmental review. Specific policies for specific elements of the environment, certain neighborhood plans, and other policies explicitly referenced may serve as the basis for exercising substantive SEPA authority. The Overview Policy states in part:

"where City regulations have been adopted to address an environmental impact, it shall be presumed that such regulations are adequate to achieve sufficient mitigation" (subject to some limitations).

Under certain limitations/circumstances (SMC 25.05.665 D 1-7) mitigation can be considered. Thus, a more detailed discussion of some of the impacts are cited below.

Short-Term Impacts

The following temporary or construction-related impacts are expected: (1) temporary soil erosion due to site work; (2) disturbance of birds (gulls, crows and songbirds) currently frequenting the proposed site; (3) decreased air quality due to increased dust and suspended particulates during site work and transport of materials to and from the site; (4) increased noise and vibration from construction operations and equipment; (5) increased traffic and parking demand from construction personnel; and (6) tracking of mud onto adjacent streets by construction vehicles. Although not significant, these impacts are adverse, and in some cases, mitigation is warranted.

Several adopted City codes and/or ordinances provide mitigation for some of the identified impacts. Specifically, these are: Critical Areas Ordinance (soil stability and water quality) Stormwater, Grading and Drainage Control Code (grading, site excavation and control of soil erosion through use of best management practices); Street Use Ordinance (watering streets to suppress dust, removal of debris, and obstruction of the pedestrian right-of-way); and the Noise Ordinance (construction noise). Compliance with these applicable codes and ordinances will reduce or eliminate short-term impacts to the environment and, with the exception of construction related noise impacts, they will be sufficient without conditioning pursuant to SEPA policies.

Noise

Some of the construction activities including grading and use of concrete delivery and pumping trucks will create high levels of noise. Later activities, consisting almost entirely of landscaping activities are expected to be fairly quiet. Residential uses exist immediately adjacent to the proposal site to the west and also across N. 35th St. to the north. It has been the experience of DPD that additional limits of the hours of construction operation, in addition to those provided in the Seattle Noise Ordinance, are sometimes necessary to limit noise impacts to nearby residences to an acceptable level. The Seattle Noise Ordinance would allow these very noisy, construction-related activities to take place from 7:00 a.m. to 10:00 p.m. The use of grading, concrete delivery and concrete pumping equipment in the project area shall be limited to the hours of 7:00 a.m. to 6:00 p.m. on non-holiday weekdays. Other construction-related activities should be adequately limited by the Noise ordinance.

Erosion Control

The proposal site is extensively sloped and will be entirely cleared, highly graded and replanted. This activity is planned to take place during the wet winter season. In order for this project on a

critical areas site to take place between October 31st and June 1st Wet Season Construction Waiver applied for must be approved. Review of the waiver application will involve review of best management practices to be implemented. It will be approved only if DPD is convinced adequate measures to control stormwater and soil erosion are proposed. SEPA conditioning to control soil erosion during construction does not appear warranted.

Long-Term Impacts

The Parks Department did not identify and long-term adverse environmental impacts in their Determination of Non-Significance.

CONDITIONS – SEPA

During Construction

1. The use of grading, concrete delivery and concrete pumping equipment in the project area shall be limited to the hours of 7:00 a.m. to 6:00 p.m. on non-holiday weekdays.

Signature: (signature on file) Date: November 20, 2003
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Department of Planning and Development
Land Use Services